IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FIRDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 22080 of 1998

Between:

1 Ch. Nagabhooshanam, S/o Pedda Shivaiah,
R/o Vijayawada.
2 Ch.Madhura Meenakshi, S/o CHV Subbarao,
R/o Vijayawada.
3 Ch.V.Subba Rao, S/o Nagabhooshanam,
R/o Vijayawada.
4 Ch. V. Narayana, S/o Krishna Rao,
R/o Vijayawada.
5 Ch. Saraswathi, W/o Nagabhooshanam,
R/o Vijayawada.

..... PETITIONERS

AND

1 Government of A.P., Rep by Secretary, Transport, Roads & Buildings

Department Secretariat, Hyderabad
2 Regional Transport Authority, Rep by its Secretary,
Krishna District, at Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, preferably one in the nature of Writ of Mandamus, declaring the Resolution of the 2nd respondent dt.22-8-97 in Item No.15 (Circulation) revising the existing compounding fee fixed under Rule 217 of Resolution A.P.M.V. Rules 1989, issued by the 1st Respondent under Sec- 95 and 96 of M.V.Act, 1988, in lieu of cancellation of suspension of permits under Sec.86 of M.V.Act, 1998 in respect of different types of irregularities committed within 24 months, as illegal, arbitrary, without jurisdiction and contrary to the provisions of

M.V.Act, 1988 and Rules made there under.

Counsel for the Petitioner: MR.B.SIVA RAMA KRISHNAIAH

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following:

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the resolution of the second respondent, dated 22.08.1997, revising the existing compounding fee fixed under Rule-217 of A.P. Motor Vehicle Rules, 1989, issued by the first respondent under Sections-95 and 96 of the Motor Vehicles Act, 1988, in lieu of cancellation of suspension of permits in respect of different types of irregularities committed within 24 months, as illegal and arbitrary.

When the matter is taken up for hearing, it is submitted by the learned counsel for the petitioners and is conceded by the leaned Government Pleader appearing for the respondents that the subject matter of this writ petition is squarely covered by a judgment of this Court in **Jami Appala Swamy Vs. Regional Transport Authority, Srikakulam,** wherein the learned Single Judge elaborately discussed the issue and allowed the W.P.No.20903 of 1997 and batch on 29.11.2002.

Accordingly, following the said judgment, this writ petition is also allowed for the same and similar reasons. No order as to costs.

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08.04.2005

dr/tvk

That Rule Nisi has been made absolute as above.

Witness the Honourable Sri Devinder Gupta, the Chief Justice on this Friday the 8th day of April, Two thousand and five.

ASSISTANT REGISTRAR

To

1 Government of A.P., Rep by Secretary, Transport, Roads & Buildings

Department Secretariat, Hyderabad

2 Regional Transport Authority, Rep by its Secretary,
Krishna District, at Vijayawada.

3 Two C.Cs. to G.P. for Transport, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

4 2 CD copies